

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

November 7, 2003

IN RE:

PETITION OF CHATTANOOGA GAS COMPANY,
NASHVILLE GAS COMPANY, A DIVISION OF
PIEDMONT GAS COMPANY, AND UNITED CITIES
GAS COMPANY, A DIVISION OF ATMOS ENERGY
CORPORATION FOR A DECLARATORY RULING
REGARDING THE COLLECTIBILITY OF THE GAS
COST PORTION OF THE UNCOLLECTIBLE
ACCOUNTS UNDER THE PURCHASE GAS
ADJUSTMENT ("PGA") RULES

DOCKET NO.
03-00209

ORDER MODIFYING PROCEDURAL SCHEDULE

This matter is before the Pre-Hearing Officer pursuant to the *Motion to Strike Petitioners' Motion for Summary Judgment or Amend Procedural Schedule* ("Motion to Strike or Amend") filed by the Consumer Advocate and Protection Division of the Office of the Attorney General (the "CAPD").

On October 1, 2003, the CAPD filed a *Motion for Summary Judgment* ("Motion") in this Docket. Chattanooga Gas, Nashville Gas, and Atmos Energy Corporation (the "Gas Companies") were given until October 27, 2003 to respond to this *Motion*. The CAPD's reply to the response was due on November 3, 2003, and Oral Argument on the *Motion* was scheduled to be heard before the Panel on November 12, 2003.

Petitioners' Response in Opposition to Motion for Summary Judgment of the Consumer Advocate and Protection Division was filed by the Gas Companies on October 27, 2003, along with their own motion for summary judgment. In their *Motion to Strike*

or Amend, filed with the TRA on November 6, 2003, the CAPD argued that the October 3, 2003 *Order Modifying Procedural Schedule* (the "*Order*") did not contemplate a summary judgment motion from the Gas Companies and, therefore, allows no time for the CAPD to respond to the Gas Companies' motion.

For good cause shown, the CAPD's *Motion to Strike or Amend* is granted by modification of the procedural schedule in this Docket as follows:

- The Response of the CAPD to the Gas Companies' motion for summary judgment shall be filed with the TRA and served on all Parties no later than **Thursday, November 20, 2003**;
- The Gas Companies shall file with the TRA and serve on all Parties any Reply to this Response no later than **Thursday, December 4, 2003**.
- Oral Argument on the cross-motions for summary judgment shall be heard before the Panel at **10 a.m. on Thursday, December 11, 2003**.

The remainder of the procedural schedule as established in the *Order* shall be held in abeyance pending the outcome of the cross-motions for summary judgment.

IT IS THEREFORE ORDERED THAT:

The Procedural Schedule is modified as stated herein.



Kim Beals, Counsel
as Pre-Hearing Officer